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**OFFICE PETITIONS
A/C PATENTS**

In re Application of
Dean Engelhardt et al
Application No. 08/486,069
Filed: June 7, 1995
Attorney Docket No. ENZ-5 (D8) (C2)

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 28, 1997, to revive the above-identified application.

The petition is granted.

This application became abandoned for failure to timely respond to the nonfinal Office action mailed December 28, 1995, which set a three month shortened statutory period for filing a response. No extensions of time having been obtained pursuant to the provisions of 37 CFR 1.136(a), the date of abandonment of this application is March 29, 1996. Therefore, since this petition was filed within one year of the date of abandonment, the petition complies with the one year filing period requirement in 37 CFR 1.137(b).

The petition states that the taking of action in this case "was unintentionally delayed." It is noted that this petition was filed on the next to last day of the one year filing period requirement in 37 CFR 1.137(b). Petitioner is advised that the filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b). The statement presented in the petition will be construed as meaning that the delay in timely responding to the outstanding Office action, as well as the delay in filing the instant petition to revive, was unintentional. If this is an

incorrect interpretation in view of the rules, petitioner must supply a statement to that effect.

The application file is being forwarded to Group 1800.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-8680.

Handwritten signature of Frances Hicks in cursive script.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects